IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

A.O. NO. 866/2001
(Old No. 594. 1999)

1. The Collector Dehradun and another. ……..Appellant

2. M/s Kakkar Construction Company
R/o 150, Pushp Vihar, Dharampur, Dehradun.
Through its proprietor Shri Ashok Kakkar
….Opp. Parties – Appellants

Versus

1. Shri Vinod Kumar Agarwal, S/o Late Sh. Daya Ram Agarwal, R/o 304, Ram Nagar, Lakhi Bagh, Dehradun.
2. Nagar Nigam Dehradun through its Administrator.

Petitioner- Respondents

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

Date: September 25, 2004

This is an appeal against the order passed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of the Arbitrator. The following orders have been passed by the District Judge on the application under Section 9 of the Respondent No.1:-

"O.P. No.1 Sri Ashok Kakkar and Opposite Party No.2 M/s Kakkar Construction Company 150 Pushp Vihar, Dharampur, Dehradun is hereby restrained from encashing the cheque of the payments to be made by the O.P. No.3 Nagar Nigam, Dehra Dun in favour of M/s Kakkar Construction Company under tender No.258 for the construction of C.C. Road, side Patri of Arhat Bazaar, Saharanpur Road, Dehradun and Nala at Patel Nagar, Saharanpur Road, Dehradun."

We have heard Learned Counsel for the Appellant Shri K.N. Joshi and Learned Counsel for the Respondent Shri V.K. Kohli,

Senior Advocate for both the parties and have gone through the material on record.

The Learned Counsel for the parties have informed this Court that the Arbitrator in the case has been appointed and the arbitration proceedings are going on. Therefore, the appeal may be disposed of removing difficulties to the arbitrator to pass an interim order for which he is not empowered under this Act. Therefore, arbitrator is directed to decide the case between the parties within three months from the date of production of certified copy of this order. Till then interim order passed on 10.12.1999, subject to modification of this Court's earlier order dated 25.10.1999 shall remain operative.

With the aforesaid observations, the appeal is disposed of finally.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang